

APR 24 2006

Request for Reconsideration
U.S.S.N. 09/766,435

April 24, 2006

REMARKS

Claims 31-34 stand pending in this application.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 31-34 stand rejected under 35 USC § 102(b) as anticipated by Brock et al., of record, in view of Elsamanoudi, U.S. Patent no. 5,340,394, of record. The Applicants respectfully traverse this rejection.

As stated in the Request for Reconsideration of July 08, 2005, Brock et al. fails to disclose several inputs for fluid, as is instantly recited, or any fluid component mixing system, as is instantly recited, or any computer determination of any prepaint ratios, as is instantly recited. The rejection fails to deal with any of these missing claim features and is therefore improper.

Further, the rejection admits that Brock et al. fail to disclose a white opacifying pigment prepaint, as is instantly recited. See page 3, 2nd full paragraph of the Office Action of March 24, 2006.

Contrary to the position taken in the rejection, *both* of Brock et al. and Elsamanoudi fail to disclose, teach or suggest several fluid inputs of a fluid component mixing system, as is instantly recited, or any computer determination of any (first or second) prepaint ratios, as is instantly recited. See the Office Action of March 24, 2006, sentence bridging pages 2 and 3 of which refer to Brock et al. at col. 7, lines 30-33 and at col. 8, lines 8-13. Further, each of Brock et al. and Elsamanoudi fails to disclose an extender pigment prepaint and a white-opacifying pigment prepaint, as is instantly recited. Accordingly, as even the combination of references fails to disclose, teach or suggest each feature instantly recited, the rejections are improper and should be withdrawn. See MPEP 2143.03.

In addition, the combination of Brock et al. and Elsamanoudi to include a white-opacifying pigment in the special effect pigments of Brock et al. is improper because the references do not suggest the combination made in the rejection. Contrary to the position taken in the rejection, there is no suggestion anywhere *in either reference* to add white opacifying pigments to the special effect pigment mixtures disclosed in Brock et al. at col. 2, line 5-10. See MPEP 2143.01.

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Further, Brock et al. and Elsamanoudi teach away from the combination urged in the rejection. The portions of Brock et al. referred to in the Office Action of March 24, 2006 at page 3, last paragraph, in no way refer to white opacifying pigments and refer instead to interference pigments. See Brock et al. at col. 2, lines 60-63. The Applicants have defined a white-opacifying pigment as any white pigment which imparts white scattering power across all visible wavelengths without a high degree of absorption. See the instant specification at, for example, page 16, lines 22-24. Given this, the ordinary skilled artisan would expect titanium dioxide or a white-opacifying pigment to fail in use as an interference pigment because white scattering would be expected across all wavelengths and would thus destroy any desired interference effect. See MPEP 2143.02. One would also expect that coating titanium dioxide to make it into an interference pigment would destroy the white-opacifying property of the titanium dioxide.


The rejections are improper. Applicants respectfully request the reconsideration and the withdrawal of all rejections over Brock et al. in view of Elsamanoudi.

CONCLUSION

It is submitted that the instant claims are in condition for allowance. An early and favorable action on the merits is earnestly solicited. If the Examiner has any questions, she is urged to contact the undersigned at the number given below.

If any fees are found owing, please charge the additional fees to deposit account no. 18-1850. At present, no fees are believed due.

Respectfully submitted,



Andrew E.C. Merriam
Attorney for Applicants
Registration No. 47,268
Phone: (215) 619-6758
Fax: (215) 592-2682

Rohm and Haas Company
Patent Department
100 Independence Mall West
Philadelphia, PA 19106-2399
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